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Response Under 37 CFR § 1.116
Expedited Procedure - Group 2853

01272.020508.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:


MASAKI NITTA, et al.

Examiner: Lam S. Nguyen

Group Art Unit: 2853

~~Application No. 10/067359~~

Submitted herewith is a check for \$110.00 to cover the fee for the extension under 37 C.F.R. § 1.17. Any deficiency in or overpayment of this fee should be charged or credited to Deposit Account No. 06-1205. A duplicate copy of this petition is enclosed.


Attorney for Applicants
Carole A. Quinn
Registration No. 39,000

FITZPATRICK, CELLA, HARPER & SCINTO
PETITION FOR EXTENSION OF TIME
UNDER 37 C.F.R. § 1.136(a)

Sir:

Applicants petition the Commissioner for Patents to extend the time for response to the Office Action dated March 31, 2004, for one month from June 30, 2004 to
(is July 30-Fri.)
Monday, August 2, 2004.

8/09/2004 HALI11 00000043 10067359

1 FC:1251 110.00 OP

08/20/2004 LSPRUELL 00000001 061205 10067359


01 FC:1252 310.00 DA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 2, 2004
(Date of Deposit)

Carole A. Quinn, Reg. No. 39,000

(Attorney for Applicants)

 August 2, 2004
Signature Date of Signature

Adjustment date: 11/02/2004 SDIRETA1
08/20/2004 LSPRUELL 00000001 061205 10067359
01 FC:1252 310.00 CR



PATENT DIVISION

Dep't Ref
#307

01272.020508

PATENT APPLICATION

2004 SEP 29 AM 9:02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASAKI NITTA, ET AL.) Examiner: L.S. Nguyen
Application No.: 10/067,359) Group Art Unit: 2853
Filed: February 7, 2002)
For: COLOR INK-JET RECORDING)
APPARATUS AND METHOD)
AND METHOD OF PROCESSING)
IMAGE DATA) September 24, 2004

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicants request a refund of \$310.00 for a second month extension fee, which was erroneously charged to our Deposit Account 06-1205. It is requested that the refund be applied as a credit to that Deposit Account. The reason for the refund is explained below.

On August 2, 2004, Applicants submitted via Certificate of Mail, a Petition for Extension of Time, Amendment Transmittal and Amendment After Final Rejection and a check in the amount of \$110.00 for a one month extension fee. (See attached copy of these documents and a postcard acknowledging receipt of the documents). The Amendment was filed in response to an Office Action dated March 31, 2004. The due date with a one month extension would have been July 31, 2004, which was a Saturday.

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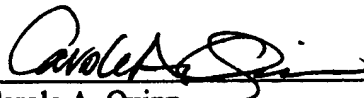
Therefore, the next business day was August 2, 2004. Thus, only a one month extension fee was due at the time.

Applicants' attorneys received a Monthly Statement of Deposit Account, dated August 2004 (copy attached), indicating that Deposit Account No. 06-1205 was charged \$310.00. Applicants respectfully submit that a refund of \$310.00 is due.

Accordingly, Applicants hereby request a refund and authorize the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$310.00, to resolve this matter.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our New York office at the below listed address.

Respectfully submitted,


Carole A. Quinn
Attorney for Applicants
Registration No. 39,000

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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